

JACKLIN CHOU LEM (CASBN 255293)
CHRISTOPHER J. CARLBERG (CASBN 269242)
U.S. Department of Justice, Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 934-5300
jacklin.lem@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

MATSUO ELECTRIC COMPANY
LIMITED,

Defendant.

No. 4:17-CR-00073-JD

**UNITED STATES' ADMINISTRATIVE
MOTION TO PERMIT LIMITED
DISCLOSURE OF A SEALED
DOCUMENT AND ~~PROPOSED~~
ORDER**

FILED: December 21, 2017

1 The United States respectfully moves this Court for an order permitting disclosure of the
 2 sealed Attachment A to the Plea Agreement (Dkt. 12-2) to Nippon Chemi-Con Corporation
 3 (“NCC”). NCC is the defendant in *United States v. Nippon Chemi-Con Corporation*, CR 17-
 4 540-JD (N.D. Cal. Oct. 18, 2017). The government requests permission for this disclosure to
 5 allow the government to meet its criminal discovery obligations in that case.

6 Attachment A to the Plea Agreement identifies certain individuals who had not been
 7 charged at the time of its filing. At least some of the individuals have still not been charged.
 8 The government moved to seal Attachment A to protect the named individuals because publicly
 9 revealing their names could be viewed as an accusation that they have engaged in criminal
 10 conduct, even though they have not been charged and have no forum in which to proclaim their
 11 innocence or seek exoneration. (See *United States v. Matsuo Electric Company Limited*, CR 17-
 12 00073-JD, Dkt. 11.) The Court ordered that Attachment A be sealed. (Dkt. 22.)

13 The government requests the Court’s permission to disclose Attachment A to NCC so the
 14 government can meet its criminal discovery obligations in *United States v. Nippon Chemi-Con*
 15 *Corporation*, CR 17-540-JD. Because it is part of an agreement with the government,
 16 Attachment A to the Plea Agreement is part of the “Protected Materials” that are subject to the
 17 Protective Order in that case (Dkt. 25) and is, thereby, limited from further disclosure.

18 The government has consulted with counsel for Matsuo Electric Company Limited
 19 (“Matsuo”), and Matsuo has no objection to the government’s request.

20 For the reasons stated above, the United States requests an order permitting disclosure of
 21 the sealed Attachment A to the Plea Agreement between the United States and Matsuo (*United*
 22 *States v. Matsuo Electric Company Limited*, CR 17-00073-JD, Dkt. 12-2) to NCC subject to the
 23 Protective Order in *United States v. Nippon Chemi-Con Corporation*, CR 17-540-JD (Dkt. 25).

24 //

25 //

26 //

27 //

28 //

1 Respectfully submitted:

2
3 DATED: December 21, 2017

4 /s/ Christopher J. Carlberg
5 CHRISTOPHER J. CARLBERG
6 Trial Attorney
7 U.S. Department of Justice
8 Antitrust Division
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~[PROPOSED]~~ ORDER

Based upon the motion of the government and for good cause shown, it is hereby ORDERED that the government is permitted to disclose the sealed Attachment A to the Plea Agreement between the United States and Matsuo Electric Company Limited (Dkt. 12-2) to Nippon Chemi-Con Corporation and its defense counsel for its use in *United States v. Nippon Chemi-Con Corporation*, CR 17-540-JD (N.D. Cal. Oct. 18, 2017) subject to the Protective Order issued in that case (Dkt. 25). Attachment A to the Plea Agreement is to otherwise remain sealed.

DATED: 1/10/18



HON. JAMES DONATO
United States District Judge